but a good name, once lost or injured, can rarely be regained in the same spotless white. In Ohio, a newspaper reported that a warrant had been issued against plaintiff to answer a charge of perjury. The warrant, in fact, had not been issued and the affidavit not sworn out, though the newspaper reporter had been so informed by the justice of the peace. It was first contended, as a defense, that the publication was privileged; but the court held that the papers in court in such instances are not for the public eye till the matter is up for public hearing, else persons could be libeled with impunity by merely filing their pleadings and then not prosecuting the action. The defense was then interposed under 94 Ohio Laws, 295, providing that where the matter was published in good faith, under a mistake of fact with a reasonable ground for believing that it was true, then the common-law rule of presumption of malice should shift and the burden of proving it be upon plaintiff. But it was held that this was in conflict with the Ohio Constitution, art. 1, § 16, providing that where one's reputation is injured he shall have remedy by "due course of law;" that the common-law rule of burden of proof on the defendant is one of substantive law which is controlled by the phrase "due course of law," thereby rendering the statute unconstitutional, regardless of the fact that the constitutional phrase also extended to matters of evidence and remedies touching one's impairment of property or reputation. Byers *v.* Meridian Printing Co., 95 Northeastern Reporter, 917.

Comity and Contract Obligations.—The contrast between the constitutional basis of the Canadian government and that of the United States recently caused a clash in the Supreme Court of New York in a life insurance policy contest, with interesting results. The charter of a mutual benefit association was changed by the Canadian legislature, thereby necessitating an increased rate of insurance to the impairment of an insured's contract. This the legislature could do, as there are no constitutional restrictions in that country forbidding the impairment of contract obligations by legislative enactments. It was contended on behalf of the benefit association that a foreign corporation carries its charter wherever it goes, that contracts made with it are subject to all variations and changes, which may be made in its charter by legislative enactment at the place where created, and therefore, in the spirit of comity, the courts of the United States should recognize this contract impairing power of the government of Canada. The court held that the rule of comity could not be followed to the extent of disregarding the rules of our state and federal constitutions holding sacred contractual relations, citing with approval Kent's old rule: "The laws of other governments have no force beyond their territorial limits; and, if permitted to operate in other states, it is upon a principle of comity, and only

when neither the state nor its citizens would suffer any inconvenience from the application of the foreign law." 2 Kent, 406. Simmelink *v.* Supreme Court I. O. F., 130 New York Supplement, 803.

Judge Terrorizes Attorneys.—Because the trial court, on the returning of the jury for the second time for instructions, said to the respective counsel that he desired no further requests in the presence of the jury, counsel made none, and took no exception to the court's statement. They now claim that the court's statement so overawed them—put them in such terrorem—that they abandoned their legal rights, and for the aforesaid conduct of the judge appellant would have the judgment reversed. The Supreme Court, Appellate Division, of New York, in Bender *v.* Bahr Trucking Co., 129 New York Supplement, 737, holds that the record presents no such picture, and that it cannot believe that such was the result; that if counsel felt aggrieved by the court's statement, an exception should have been noted. "Neither," says the court, "could stand by and speculate for a reversal of an adverse judgment."

Christian Science and the Courts.—Owing to the prevalence of the Christian Science belief, which as popularly understood, dispenses with medical services in the event of illness, the following case from the Criminal Court of Appeals of Oklahoma, entitled Owens *v.* State, 116 Pacific Reporter, 345, commands interest as it seems to be quite clear cut in its terms. A child was taken seriously ill with typhoid fever, but owing to the religious belief of its father he refused to allow it medical aid though it was repeatedly offered free of expense. It appears that the father was thoroughly apprised of both the serious condition of his child and of the fact that he was rendering himself liable to a criminal prosecution, as the evidence shows that the county health officer so advised him. The child lingered and died. "Religious belief" was the defense interposed in the prosecution that followed under the Oklahoma statute, which provides that it shall be a misdemeanor for a parent to refuse his child medical attendance. The trial judge thereupon instructed the jury that such was not a defense, and the appellate court affirmed the conviction, saying that "full and free enjoyment of religious profession and worship is guaranteed, but acts which are not worship are not," and that a party's religious belief cannot be accepted as a justification for his committing an overt act, made criminal by the law of the land.